

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

QUAD DIMENSION, INC.,	)		
	)		
Plaintiff,	)		
	)		
v.	)	Civil No.	01-01345-CV-W-1-ECF
	)		
SAGE ALTERING SYSTEMS, INC. and	)		
HARRIS CORPORATION,	)		
	)		
Defendants.	)		

**ORDER**

Pending before this Court is Defendant Harris Corporation's motion for stay of litigation pending reexamination and memorandum in support, filed February 28, 2002. Plaintiff Quad Dimension Inc. filed an opposition to Defendant's motion on March 15, 2002.

Defendant Harris requests a stay of the litigation of this case pending reexamination of the patent in suit, U.S. Patent 5,121,430. Defendant asserts that a stay is necessary because the same prior art being asserted by a third party in the reexamination will be presented to this Court after having first been considered by the Patent and Trademark Office and many discovery problems relating to the prior art will be alleviated. Plaintiff contends, however, that all patentability issues with respect to claims 1-26 in the latest reexamination have been resolved in Plaintiff's favor with only minor procedural aspects remaining to be completed. Further, this is not the first time the patent in suit has undergone reexamination. Claims 1-23 of the patent in suit have survived three reviews and claims 24-26 have survived two reviews, and a stay would only further delay enforcement of these claims.

After a review of the pleadings, the Court

DENIES Defendant Harris Corporation's motion for a stay.

IT IS SO ORDERED.

/s/ DEAN WHIPPLE

Dean Whipple  
United States District Judge

Date: April 10, 2002